

**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
Ron Kazmierczak, Regional Director

Northeast Region Headquarters  
1125 N. Military Ave., P.O. Box 10448  
Green Bay, Wisconsin 54307-0448  
Telephone 920-492-5800  
FAX 920-492-5913  
TDD 920-492-5912

March 28, 2000

Mr. Dennis Weber  
Weber Oil Co.  
3324 Fremont St.  
Kiel, WI. 53042

SUBJECT: Case Closure with Groundwater Use Restriction for  
Weber Oil –Cleveland Bulk Plant located on corner of Forest and  
Grant St., Cleveland, WI.  
LUST ID # 02-36-097503

Dear Weber;

I received a copy of the groundwater use restriction recorded with the Manitowoc County Register of Deeds on March 6, 2000. This satisfies the closure requirements identified in Wisconsin Administrative Code Chapter NR726. This site will appear as closed on the Department's computer tracking system.

Thank you for your cooperation in this matter. If you have any question please contact me at 920-492-5864.

Sincerely,

James R. Reyburn  
Project Manager  
Bureau of Remediation & Redevelopment

Cc: Mr. Stuart Boerst – McMahon Associates, 1445 McMahon Dr., Neenah, WI. 54956



853141

Document No.



VOL 1420

PAGE 222

This space reserved for recording data

## GROUNDWATER USE DEED RESTRICTION

## DECLARATION OF RESTRICTIONS:

## Legal Description Of Property:

The East 100-feet of Lot Six (6) in Block One (1) in Oswald Tuerpe's Addition to the Village of Cleveland, according to the Plat thereof, filed for record in the office of the Register of Deeds in and for said county and state on August 23, 1980, and recorded in Volume 1 of Maps, Page 96.

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF Manitowoc )

RECEIPT# 324

\$12.00 MISC

STATE OF WISCONSIN  
MANITOWOC COUNTY  
PRESTON JONES  
REGISTER OF DEEDS  
RECEIVED FOR RECORD

6 MAR 2000 3:18:32 PM

## Return To:

Weber Oil Company, Incorporated  
A Wisconsin Corporation  
3324 Fremont Street  
Kiel, WI 53042

#31570001006.01

Parcel Identification No. (PIN)

WHEREAS, Weber Oil Company, Incorporated, A Wisconsin Corporation is the owner of the above described property; and

WHEREAS, One or more petroleum discharges have occurred at this property. Petroleum contaminated groundwater above the NR 140 Enforcement Standards of the Wisconsin Administrative Code exists on this property at the following locations on June 23, 1999 and April 28, 1999, respectively: Benzene remains at a concentration of 560 micrograms per liter (ug/l) in Monitoring Well MW-01, and Benzene remains at a concentration of 12 ug/l in Monitoring Well MW-05. The location of the monitoring wells are provided on Figure 8, attached and made a part of this Deed Restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions that will make it unnecessary to conduct further soil and groundwater remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Wisconsin Department of Natural Resources (DNR) to remediate groundwater contamination exceeding ch. NR 140 Groundwater Standards of the Wisconsin Administrative Code within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. 812 of the Wisconsin Administrative Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the DNR Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific prohibitions or requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met. If construction is proposed on this property that will require dewatering or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property, whether by descent, devise, purchase or otherwise. This restriction inures to the benefit of and is enforceable by the DNR, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes the owner of the property described above may request the DNR or its successor(s) to issue a determination that one or more of the restrictions set forth in this covenant are no longer be required. Upon the receipt of such a request, the DNR shall determine whether or not the restrictions contained herein can be extinguished. If the DNR determines the restrictions can be extinguished, an Affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

By signing this document, Dennis K. Weber asserts that he/she is duly authorized to sign this document on behalf of Weber Oil Company, Incorporated, A Wisconsin Corporation.

IN WITNESS WHEREOF, the owner of the property has executed this Deed Restriction, this 6 day of March 2000

Dennis K. Weber  
(Signature)

DIL

TEL: 920-894-7961

Oct 27 99

11:18 No.001 P.01

536

DOCUMENT NO.

623903

By This Deed, Harold R. Kolb and Adeline C. Kolb, his wife,

Grantor conveys and warrants to Weber Oil Co., Inc.,  
a Wisconsin Corporation,

for a valuable consideration

the following described real estate in Manitowoc County,  
State of Wisconsin:

The East One Hundred Feet (100') of Lot Six (6)  
in Block One (1) in Oswald Tuerpe's Addition to  
the Village of Cleveland, according to The Plat  
thereof, filed for record in the office of the  
Register of Deeds in and for said county and state  
on August 23, 1980, and recorded in Volume 1 of Maps,  
page 96.

W-2

TRANSFER  
\$ 30.00  
FEE

This warranty deed is given in fulfillment of a Land Contract  
recorded October 20, 1983 at 11:15 a.m. in Vol. 708 of Records,  
page 266, Doc. #587180.

Exception to warranty:

Executed at Cleveland, WI this 1st day of DECEMBER 1986

SIGNED AND SEALED IN PRESENCE OF

Harold R. Kolb (SEAL)

Harold R. Kolb

Adeline C. Kolb (SEAL)

Adeline C. Kolb

(SEAL)

(SEAL)

Signature of

authenticated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Notary Public, Member State Bar of Wisconsin or Other Party  
Authorized under Sec. 706.06 vis.

STATE OF WISCONSIN

Manitowoc County,

Personally came before me, this 1st day of December 1986  
the above named Harold R. Kolb and Adeline C. Kolb

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

THIS INSTRUMENT WAS DRAFTED BY

Harold R. Kolb

The use of witnesses is optional.

Notary Public,

Manitowoc County, Wis.

My commission (expires) 3/8/87

STATE BAR OF WISCONSIN - FORM 8  
WARRANTY DEED  
THIS SPACE RESERVED FOR RECORDING DATA

RECEIVED FOR RECORD

VOL. 790 PAGE 536

1987 JAN -6 PM 2:01

MANITOWOC COUNTY, WIS.  
ROBERT B. BRANOL  
REGISTER OF DEEDS

APPROVED TO  
RECORDED  
\$19.15  
30.00  
31.15

Tax Key # 31570001006  
This is not homestead property.

Forward  
to:  
Stuart  
Boerst



RESIDENTIAL PROPERTY

SAN

WM

WM

SAN

EAST GRANT STREET

UGT

UGT

OHE

OHE

OHE

OHE

OHE

OHE

OHE

OHE

MANITOWOC  
COUNTY  
PROPERTY

RESIDENTIAL PROPERTY

# LEGEND

GP-08 ● GEOPROBE SOIL BORING

MW-02 ○ MONITORING WELL

○ HYDRANT

○ MANHOLE

□ POWERPOLE

○ LIGHTPOLE

□ CATCH BASIN

○ OVERHEAD ELECTRIC

BEN

BENZENE CONCENTRATION (ug/l)

ESTIMATED EXTENT OF BENZENE  
CONTAMINATED GROUNDWATER ABOVE  
NR140 GROUNDWATER QUALITY

GP-20 ●

GP-19 ●

MW-10 ●

GP-18 ●

MW-03 ●

GP-21 ●

GP-07 ●

GP-01 ●

GP-10 ●

GP-12 ●

GP-11 ●

MW-04 ●

GP-08 ●

GP-02 ●

MW-08 ●

GP-05 ●

GP-03 ●

GP-09 ●

GP-13 ●

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RESIDENTIAL PROPERTY

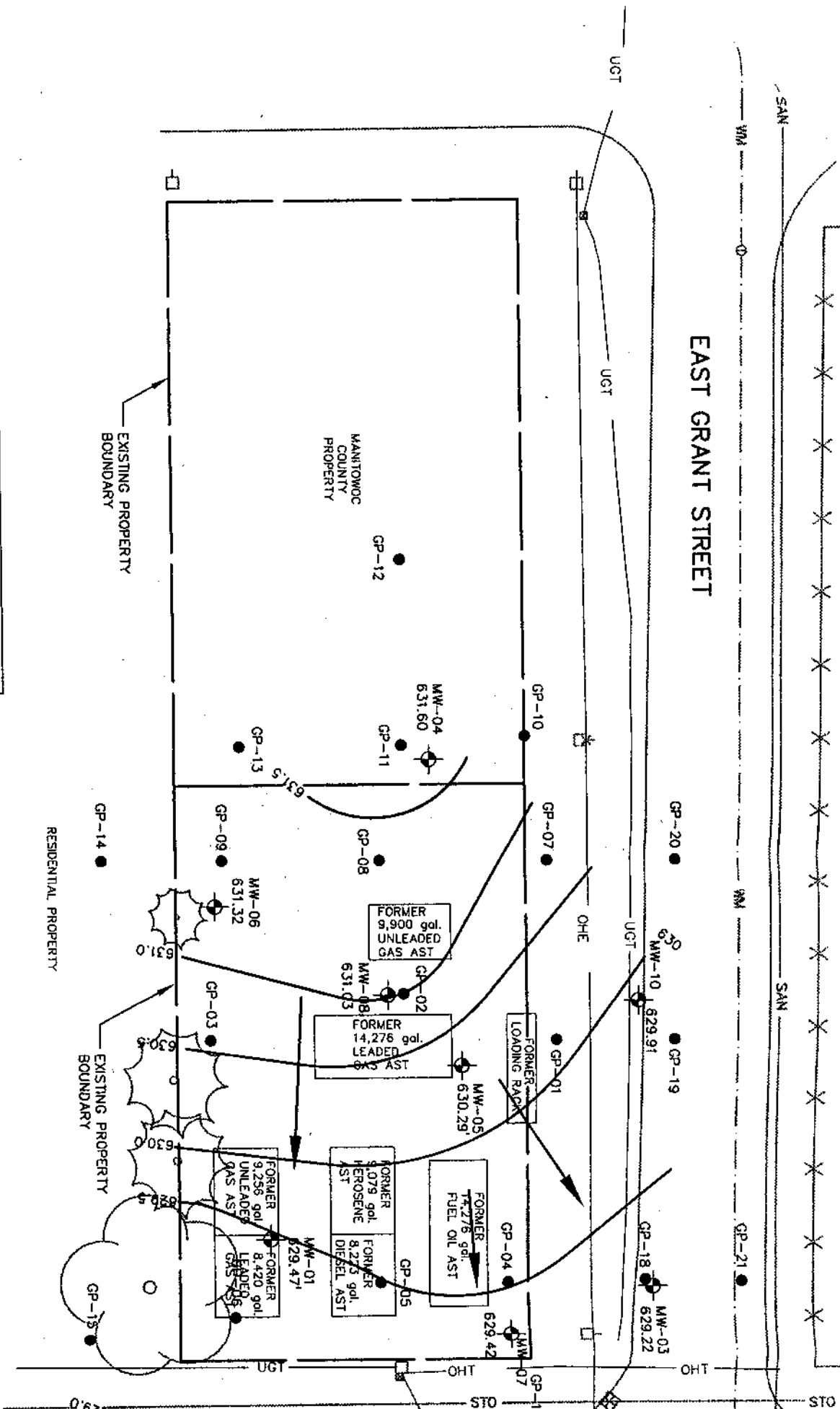
SAN

WM

EAST GRANT STREET

WM

SAN



# LEGEND

GP-08 ● GEOPROBE SOIL BORING

MW-02 ● MONITORING WELL & GROUNDWATER ELEVATION

○ HYDRANT

○ MANHOLE

○ SANITARY CURED

→ GROUNDWATER FLOW DIRECTION

—630— GROUNDWATER CONTOUR (MSL)

□ POWERPOLE

○ LIGHTPOLE

○ OVERHEAD ELECTRIC

EXISTING PROPERTY BOUNDARY

RESIDENTIAL PROPERTY

EXISTING PROPERTY BOUNDARY

MANITOWOC COUNTY PROPERTY

GP-12

MW-04 631.60

GP-11

FORMER 9,900 gal. UNLEADED GAS AST

MW-08 631.03

FORMER 14,276 gal. LEADED GAS AST

MW-05 630.29

FORMER 14,276 gal. FUEL OIL AST

FORMER 9,079 gal. HEROSENE AST

FORMER 8,275 gal. DIESEL AST

FORMER 9,256 gal. UNLEADED GAS AST

FORMER 8,420 gal. LEADED GAS AST

MW-01 629.47

GP-13

GP-09

GP-06 631.32

GP-03

GP-02

GP-01

GP-19

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Table #5

**GROUNDWATER ANALYTICAL RESULTS**  
**GRO, DRO, P VOC's, LEAD & DETECTED VOC's with Standards**  
 Former Cleveland Bulk Plant  
 Cleveland, Wisconsin

Well Name	Date Measured	GRO ug/l	DRO ug/l	Benzene ug/l	Ethyl-Benzene ug/l	MTBE ug/l	Toluene ug/l	Total Xylenes ug/l	1,2,4 Trimethylbenzene ug/l	1,3,5-Trimethylbenzene ug/l	Naphthalene ug/l	Lead ug/l
MW-01	02/18/97	1400	470		6.8	0.18*	2.8	12.5	3.07	12	3.0	1*
	11/19/97	2000	2100		110	<0.21	11	60	33	9.3	NA	<1
	04/28/99	NA	NA	1100	110	<3.1	130				NA	NA
	06/23/99	NA	NA	560	110	<2.1	90	592	200		NA	NA
MW-02	02/18/97	<100	<100	<2	<0.68	<0.15	<1.5	<85	<1.0	<0.86	<1.0	1*
	11/19/97	<100	140	0.41*	<0.68	<0.21	<1.5	<1.8	<1.0	<0.86	NA	<1
	04/28/99	NA	NA	<0.32	<0.34	<0.31	<0.35	<1	<0.35	<0.64	NA	NA
	02/18/97	<100	<100	<2	<0.68	<0.15	<1.5	<85	<1.0	<0.86	<1.0	<1
MW-03	11/19/97	110	260	0.77	<0.68	0.33*	<1.5	<1.8	<1.0	<0.86	NA	<1
	04/28/99	NA	NA	<0.32	1.5	<0.31	<0.35	<1	1.0*	<0.64	NA	NA
	02/18/97	<100	260	<2	<0.68	<0.15	<1.5	<85	<1.0	<0.86	<1.0	<1
	11/19/97	230	130	0.2	2.4	<0.21	2.4	<1.8	1.1	<0.86	<1.0	<1
MW-04	06/23/99	NA	NA	<0.32	<0.34	<0.31	<0.35	<1.0	<0.35	<0.64	NA	NA
	02/18/97	350	2500		2.8	3.7	<1.5	2.1	2.1	5.5	3.7	1*
	11/19/97	440	2100	16	11	<0.21	2.1	2.5	2.2	<0.86	NA	2*
	04/28/99	NA	NA		3.8	<0.31	0.61*	2.0*	1.4	1.0*	NA	NA

&gt;ES

&gt;DAL

## EXPLANATION:

- < ug/l
- Less Than
  - Microgram/Liter
  - Exceeds Enforcement Standard
  - Analyte Detached Between LOD & LOQ
  - Exceeds Preventive Action Limit
- E.S.
- Enforcement Standard, Chapter 140.10 Wisc. Administrative Code
  - Not Analyzed For
  - Preventive Action Limit, Chapter 140.10 Wisc. Administrative Code
  - Not Standard Established
  - Combined Trimethylbenzene (1,2,4 & 1,3,5) Standard
- NA
- P.A.L.
- 
- \*\*